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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,814	04/30/2001	Laurent Bensemana	06670/100J190-US1	2311
7278 7590 03/04/2010 DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770				
			EXAMINER KAZDML, HANI M	
			ART UNIT 3691	PAPER NUMBER
			MAIL DATE 03/04/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/845,814

Applicant(s)

BENSEMANA, LAURENT

Examiner

Hani Kazimi

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/23/2009 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering (US 6298348) in view of Salganicoff (US 5734720) and further in view of Goldhaber et al (US 5794210) .

Re claims 1-3, 5 and 6: Eldering teaches a method and corresponding system for anonymously matching consumption objects with a consumer consumption behaviour, said consumer being uniquely identified by a true, objective behaviour derived consumption profile (abstract), said system comprising:

a central and private consumer repository containing a plurality of true objective behaviour derived consumption profile, the true consumption profile corresponding to a consumer, the said true consumption profiles being anonymous (abstract, fig. 5, element 500, and column 9, lines 28-67);

at least one central product repository, containing consumption object profiles for a plurality of consumption objects each of said at least one central product repository being associated with a given industry, wherein industry participants register profiles of their products and services within said product repository, each said at least one central product repository containing only entry profiles of items registered (abstract, fig. 5, element 500, and column 9, lines 28-67);

correlating means for correlating parameters of a potential target consumption object with parameters of a given consumer's true consumption profile, and identifying at least one best matched consumption object (col. 10, lines 1-42);

means for confidentially presenting said consumer with the profile of said at least one best-matched consumption object so that said industry participant cannot identify

said consumer (abstract, column 1, line 37 thru column 2, line 3 and column 11, line 65 thru column 12, line 20).

Eldering does not explicitly teach feedback derived consumption profile in combination with behaviour derived consumption profile corresponding to a consumer; and means for enabling said consumer to select one of said at least one best- matched consumption object to obtain said consumption object.

Salganicoff teaches the concept of combining feedback derived consumption profile with behaviour derived consumption profile corresponding to a consumer to generate consumer actual preferences for predetermined characteristics (col. 4, lines 38-45, col. 6, lines 46-59, col. 8, lines 18-27, col. 29, lines 29-35, col.47, lines 31-61, col. 49, lines 4-18, col. 50, lines 1-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Eldering to include these features as taught by Salganicoff for the obvious reason for presenting the most appropriate list of objects to the consumer.

Goldhaber teaches the concept of enabling said consumer to select one of said at least one best- matched consumption object to obtain said consumption object (abstract, fig. 11, col. 15, lines 31- col. 16, line 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Eldering to include these features as Goldhaber for the obvious reason of providing the consumer with a variety of ads to select from.

Re claim 4: Eldering teaches a consumer reaction log for logging a consumer's reaction to a correlation between said consumer's true consumption profile and a consumption object, and wherein said consumer's true consumption profiles in the central consumer repository are made available to industry entities for performing market research (column 12, line 20 thru column 13, line 36).

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hani Kazimi whose telephone number is (571) 272-6745. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hani M. Kazimi/

Primary Examiner, Art Unit 3691